

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Charlene Owens Carter,	)	CASE NO.:
	)	
Plaintiff,	)	
v.	)	
	)	<b>DEFENDANT OUTBACK STEAKHOUSE</b>
Outback Steakhouse of Florida, LLC d/b/a	)	<b>OF FLORIDA, LLC’S NOTICE OF</b>
Outback Steakhouse and Bloomin’ Brands,	)	<b>REMOVAL</b>
Inc.,	)	
	)	
Defendants.	)	

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Defendant Outback Steakhouse of Florida, LLC, incorrectly identified as “Outback Steakhouse of Florida, LLC d/b/a Outback Steakhouse and Bloomin’ Brands, Inc.,” in this civil action filed by Charlene Owens Carter, Civil Action No. 2021-CP-40-01359, in the Court of Common Pleas for Richland County, State of South Carolina (the “State Court Action”), files this Notice of Removal to the United States District Court for the District of South Carolina, Columbia Division, and through its undersigned attorneys, show the Court:

1.

On March 24, 2021, Plaintiff Charlene Owens Carter (“Plaintiff”) commenced this pending civil action in the Court of Common Pleas for Richland County, South Carolina, as Civil Action No. 2021-CP-40-01359.

2.

Defendant was served with a copy of the Summons and Complaint by Certified Mail through its Registered Agent on March 1, 2021.

3.

In lieu of filing an Answer to Plaintiff's Complaint in State Court, Defendant files the Notices of Removal and will file an Answer in this Court pursuant to the Federal Rules of Civil Procedure.

4.

In this action, Plaintiff seeks recovery for personal injury through common law negligence, gross negligence, negligence *per se*, and premises liability for an incident which occurred on April 14, 2018 when she allegedly slipped on a slippery substance as she was walking on Defendant's premises.

5.

This action is one over which this United States District Court has diversity jurisdiction, pursuant to 28 U.S.C. § 1332a.

6.

Plaintiff is a resident of Laurens County, South Carolina per her Complaint. Defendant Outback Steakhouse of Florida, LLC, incorrectly identified as "Outback Steakhouse of Florida, LLC d/b/a Outback Steakhouse and Bloomin' Brands, Inc.," is a foreign limited liability company organized under the laws of the State of Florida with its principal place of business also located in Florida.

7.

Although Defendant denies liability to Plaintiff, the Complaint contends that Plaintiff's economic and non-economic damages include past and future medical expenses as well as lost wages. Plaintiff has further alleged that she will continue to suffer injuries as a result of the subject incident. These allegations demonstrate, by a preponderance of the evidence, that the

amount in controversy exceeds \$75,000. This conclusion is further supported by Plaintiff's initial demand in the amount of \$200,000.

8.

Therefore, the requirements to trigger the diversity jurisdiction of this Court has been met and removal is therefore, appropriate pursuant to 28 U.S.C. §§ 1332a and 1446(c)(2)(B).

9.

Contemporaneously with the filing of this Notice of Removal, Defendant will give notice to Plaintiff and will also file a copy of this Notice of Removal with the Court of Common Pleas of Richland County, South Carolina. A copy of the Notice to Plaintiff of Removal of State Court Action and the Notice to State Court of Filing of Notice of Removal are attached as Exhibits A-1 and A-2, respectively.

10.

Attached as Exhibit B to this Notice are true and accurate copies of all process, orders, or pleadings filed in the State Court Action.

11.

By filing this Notice of Removal, Defendant does not waive any defense that may be available to it.

WHEREFORE, Defendant removes this State Court Action to the United States District Court for the District of South Carolina, Columbia Division.

*[SIGNATURE PAGE TO FOLLOW]*

This 29<sup>th</sup> day of April, 2021.

Respectfully submitted,

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